

Ackerman, Joyce

From: Ackerman, Joyce
Sent: Thursday, April 19, 2018 12:30 PM
To: Patrick Medland
Cc: Tobi L. Moore
Subject: RE: Neuhauser Landfill - AOC

Dear Patrick – I agree that the list of roll-off bins on the figure is correct..

Thanks

Joyce

Joyce Ackerman
On-Scene Coordinator and START P.O.
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202
(303) 312-6822

From: Patrick Medland [mailto:PMedland@Geosyntec.com]
Sent: Wednesday, April 18, 2018 9:19 PM
To: Ackerman, Joyce <Ackerman.Joyce@epa.gov>
Cc: Tobi L. Moore <tmoore@ACTEnviro.com>
Subject: RE: Neuhauser Landfill - AOC

Joyce,

Did you get a chance to proofread the list of roll-off bins on the figure? Tobi is arranging for hauling (or dumping as backfill) all of the bin on the figure. I wanted to double-check that you've had an opportunity to address questions or note discrepancies before the bins are gone.

Thanks,
Patrick

Patrick Medland
Scientist

Geosyntec Consultants
5670 Greenwood Plaza Blvd Ste 540
Greenwood Village, CO 80111

Office: 303-790-1340
Direct: 720-509-8907

From: Ackerman, Joyce <Ackerman.Joyce@epa.gov>
Sent: Tuesday, April 17, 2018 12:40 PM

To: 'rdean@stratuscompanies.com' (rdean@stratuscompanies.com) <rdean@stratuscompanies.com>; Jonathan H. Steeler <JSteeler@sennlaw.com>; Patrick Medland <PMedland@Geosyntec.com>; Dave Folkes <DFolkes@Geosyntec.com>; Tobi L. Moore <tmoore@ACTEnviro.com>; Piggott, Amelia <Piggott.Amelia@epa.gov>; O'Reilly, Maureen <OReilly.Maureen@epa.gov>; Jenkins, Katherine <jenkins.katherine@epa.gov>; Stovall - CDPHE, Curtis <curtis.stovall@state.co.us>; david.walker@state.co.us
Subject: Neuhauser Landfill - AOC

Dear Mr. Dean and Mr. Steeler – EPA is in agreement with Stratus' proposal below. I will proofread the list of bins on the attached figure and let the Project Coordinator know if there are any questions or discrepancies. Stratus shall provide EPA with documentation as soon as possible from the Front Range landfill regarding acceptance of the soils and the associated waste profiles.

EPA agrees with the scope of work below for additional excavation. EPA will continue to work with the Project Coordinator to provide comments, if any, on sampling procedures and laboratory results for disposal purposes and returning soils to excavated pits, where appropriate.

EPA agrees to re-segregation of the Phase 1 stockpile to identify which portion may remain on-Site and which soils require off-Site disposal. With regard to the Phase 2b stockpile, it is unlikely that there will be an adequate methodology to re-segregate this stockpile due to the highly elevated concentrations of contaminants shown in lab results to date. EPA will engage in discussion with the Project Coordinator, but for planning purposes, Stratus should assume that the entire 2b stockpile will require off-Site disposal.

In addition, please address the comments provided by Curt Stovall at CDPHE forwarded to Geosyntec via e-mail on April 16, 2018.

Thank you for your assistance.

Sincerely,

Joyce Ackerman
On-Scene Coordinator and START P.O.
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202
(303) 312-6822

From: Jonathan H. Steeler [mailto:JSteeler@sennlaw.com]

Sent: Friday, April 13, 2018 12:03 PM

To: Ackerman, Joyce <Ackerman.Joyce@epa.gov>; 'Richard Dean' <rdean@stratuscompanies.com>; Jackie Rowley <JRowley@Geosyntec.com>; Dave Folkes <DFolkes@Geosyntec.com>; Tobi L. Moore <tmoore@ACTEnviro.com>; Hunter Butler <hbutler@ACTEnviro.com>; Piggott, Amelia <Piggott.Amelia@epa.gov>; O'Reilly, Maureen <OReilly.Maureen@epa.gov>; Jenkins, Katherine <jenkins.katherine@epa.gov>; Sandusky, Eric <Eric.Sandusky@WestonSolutions.com>; jason.king@coag.gov; Patrick Medland <PMedland@Geosyntec.com>

Subject: RE: Neuhauser Landfill - AOC

Dear Joyce:

Richard is out of town on business today but in an effort to keep this moving see Stratus' proposal below and attached. I have not copied CDPHE but instead have copied Jason King at the Colorado Attorney General's Office. If you would like to forward this to Curt and Dave that would be great and, if not, I am sure Jason will forward it on to them.

Stratus is prepared and willing to conduct the work discussed below and as shown on the attached figure.

Rolloff Bins and Frac Tank:

1. Stratus will dispose of soils and debris in the existing rolloff bins as approved by EPA and as summarized on the attached figure.
2. Stratus will dispose of the liquids in the frac tank, as approved by EPA.

Additional Excavation:

1. Stratus will complete excavation of soils in the Phase 1 and Phase 2a excavations, as identified by the prior test pits and PID monitoring, following the procedures outlined in the Drum Removal Work Plan (DRWP). The most likely areas requiring excavation, based on prior test pit data, are shown on the attached figure (excavation zones).
2. Excavated and stockpiled soil from these excavations with PID levels below 100 ppm will be used for backfilling of excavations, as approved by EPA. Stockpiled soil with PID levels above 100 ppm will be tested for total and TCLP concentrations of organics and based on these results, transported to the appropriate offsite disposal facility, or be used for backfill, as approved by EPA.
3. The final excavation limits will be surveyed, and confirmation samples will be collected from the bottom and sidewalls of the Phase 1 and 2a excavations after excavation is complete, as approved by EPA, and submitted for laboratory analysis of total metal, VOC, and SVOC concentrations.
4. A test pit will be excavated at the one remaining EM anomaly location (currently located below the drum storage area), as shown on the attached figure.

Stockpiles:

1. Stratus will use the soils in stockpiles outlined in green on the attached figure for backfilling the excavations. Soils in stockpiles outlined in red will be disposed offsite at the Front Range landfill, as approved by EPA and accepted by the landfill.
2. Regarding the Phase 1 SP-1 stockpile, Stratus understands that EPA has spoken with the Project Coordinator and approved re-segregation of this stockpile. Soils with PID levels below 100 ppm will be used for backfilling the pits onsite, while soils with PID levels above 100 ppm will be disposed offsite at the Front Range landfill, as approved by EPA and accepted by the landfill.
3. Stratus requests the opportunity to employ the same segregation process described above for the Phase 2B stockpile, where existing data indicate low levels of contamination in the outer materials. Any soils that cannot be segregated as backfill material will be disposed offsite at the Front Range landfill, as approved by EPA and accepted by the landfill.

Schedule:

Stratus's contractor, ACTenviro, believes that the above work can be completed within 6 weeks, or by the end of May 2018 if this work starts now, barring any delays due to weather, laboratory turn-around times, or approval by disposal facilities. We will advise EPA as soon as possible if any events or conditions are likely to delay completion of the soil excavation and offsite disposal work.

As you know, disposal of the rolloff bins shown on the attached figure is already in progress and should be completed soon. We anticipate that excavation in the Phase 1 and 2a pits will begin shortly, followed by sampling and offsite disposal of stockpiled soils over the next several weeks. Stratus would like to leave the exact timing and sequencing of the various components of the earth-moving work to the discretion of ACTenviro, based on the most efficient use of their crews and equipment at the time. This schedule also assumes that no additional drums are found at the anomaly location discussed above.

The Final Report will be submitted 60 days after completion of the scope of work described above, as required by the Order and the DRWP.

Finally, while some backfilling of the excavations is expected to occur during this time period, consistent with the DRWP (Section 4.4.2), complete regrading and backfilling of the excavations may be conducted at a later date pursuant to a CDPHE order, except to the extent that backfilling is required to cover impacted but non-hazardous soils, control odors, and/or stabilize the excavation.

If the foregoing is acceptable and reflects EPA's understanding of the remaining work to be performed by Stratus to complete its obligations under the Order, please provide Stratus with a written confirmation to this effect.

Thank You for your cooperation.

Jon

Jonathan H. Steeler
Senn Visciano Canges P.C.
1700 Lincoln Street, Suite 4300
Denver, CO 80203
Direct: (303) 291-4039
Phone: (303) 298-1122
Cellular: (303) 349-4220
Fax: (303) 296-9101
JSteeler@sennlaw.com
www.sennlaw.com

From: Ackerman, Joyce [<mailto:Ackerman.Joyce@epa.gov>]

Sent: Tuesday, April 03, 2018 9:17 AM

To: 'Richard Dean'; Jackie Rowley; Dave Folkes; Tobi L. Moore; Jonathan H. Steeler; Hunter Butler; Piggott, Amelia; O'Reilly, Maureen; Jenkins, Katherine; Stovall - CDPHE, Curtis; david.walker@state.co.us; Sandusky, Eric

Subject: Neuhauser Landfill - AOC

Dear Mr. Dean – As you know the AOC and Work Plan require that soils contaminated by drums be excavated and removed for off-site disposal. The Work Plan sets forth the following criteria for soils to be removed:

- Soil visibly contaminated by leaking drum or container contents;
- Soil with a strong odor consistent with drum or container contents;
- Soil with total VOC concentrations of 100 parts per million by volume (ppmv) or greater as determined by soil sample head-space screening using a flame ionization detector (PID); ...

EPA has been reviewing the laboratory data for soil samples taken from the stockpiles on-site, the rolloff boxes on-site, and the test pits within the excavations. Based on that review, the scope of work remaining at the Site to complete the AOC with regard to soil removal consists of the following:

1. Excavation of the areas of elevated contamination in the Phase 1 and Phase 2a excavations, as identified by test pitting and PID monitoring. Soils removed will require sampling for characterization and subsequent off-site disposal.
2. Removal of the stockpiles from the Phase 2b and Phase 3 excavations for off-site disposal.
3. Removal of the following stockpiles from the Phase 1 excavation: SP-1, SP-2, and SP-4 for off-site disposal. EPA notes that some of the samples from SP-1 showed relatively low levels of contamination. EPA would be willing to review any proposals to segregate high level contamination from lower levels in SP-1 in order to minimize quantities of soil requiring off-site disposal.
4. Removal of the rollofs containing contaminated soil for off-site disposal. EPA anticipates that soils from 10-13 rollofs will be allowed to be returned to the Site excavations and not require off-site disposal. EPA will specify to the Project Coordinator which rollofs can be emptied and soils returned to the excavations.

EPA is willing to review proposals for sampling of the excavations in Phases 1 and 2a to determine more specifically how much soil requires removal.

EPA is willing to review proposals for on-site treatment of soils in lieu of off-site disposal, such as chemical oxidation.

As you are aware, implementation of the Work Plan has taken significantly longer than expected. EPA believes it important to address the remaining threats to human health and the environment remaining on Site. To that end, please provide a schedule by the close of business on Monday April 9, 2018, outlining how Stratus plans to complete this Work. EPA believes all the actions outlined above should be completed by the end of May, 2018. Should Stratus be unable to complete the work as described above, EPA will review other available options to ensure the work is completed in a timely and safe manner.

Thank you for your assistance.

Sincerely,

Joyce Ackerman
On-Scene Coordinator and START P.O.
U.S. EPA Region 8
1595 Wynkoop Street
Denver, CO 80202
(303) 312-6822

SVC | SENN VISCANO CANGES P.C.

EMAIL NOTICE AND DISCLAIMER: The information contained in this communication (including any attachments) is for the sole use of the intended recipient. It may contain proprietary, confidential or legally privileged information which may be exempt from disclosure under applicable law. No confidentiality or privilege is waived or lost by any mistransmission. If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and destroy all copies of the message.